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17 **UNITED STATES DISTRICT COURT**

18 **DISTRICT OF NEVADA**

19 BANK OF NEW YORK MELLON, FKA  
20 BANK OF NEW YORK, AS TRUSTEE FOR  
21 THE CERTIFICATEHOLDERS OF CWMBS,  
22 INC. CHL MORTGAGE PASS-THROUGH  
23 TRUST 2005-HYB 6 MORTGAGE PASS-  
24 THROUGH CERTIFICATES SERIES 2005-  
25 HYB6,

26 Plaintiff,  
27 vs.

28 SBH 2 HOMEOWNERS' ASSOCIATION;  
29 SFR INVESTMENTS POOL 1, LLC;  
30 NEVADA ASSOCIATION SERVICES, INC.;  
31 DOE INDIVIDUALS I-X inclusive, and ROE  
32 CORPORATIONS I-X,

33 Defendants.

34 Case No. 2:16-cv-01129-RFB-CWH

35 **SFR INVESTMENTS POOL 1, LLC'S  
36 DEMAND FOR SECURITY OF COSTS  
37 PURSUANT TO NRS 18.130(1)**

38 SFR INVESTMENTS POOL 1, LLC ("SFR") hereby demands that plaintiff BANK OF  
39 NEW YORK MELLON, FKA BANK OF NEW YORK, AS TRUSTEE FOR THE  
40 CERTIFICATEHOLDERS OF CWMBS, INC. CHL MORTGAGE PASS-THROUGH TRUST  
41 2005-HYB 6 MORTGAGE PASS-THROUGH CERTIFICATES SERIES 2005-HYB6, ("BNY  
42 MELLON" or "Bank"), an out-of-state resident, post a cost bond pursuant to NRS 18.130(1).

43 In Nevada, if a plaintiff resides outside of Nevada or is a foreign corporation, like the Bank,  
44 "security for the costs and charges which may be awarded against such plaintiff may be required  
45 by defendant, by the filing and service on plaintiff of a written demand within the time limited for

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1 answering the complaint.” NRS 18.130(1). When a defendant demands a cost bond, “all  
2 proceedings in the action shall be stayed” until plaintiff files “an undertaking, executed by two or  
3 more persons, to the effect that they will pay such costs and charges as may be awarded against  
4 the plaintiff by judgment, or in the progress of the action . . . or the plaintiff may deposit \$500 with  
5 the clerk of the court.” *Id.* “After the lapse of 30 days from the service of notice that security is  
6 required, or of an order for new or additional security, upon proof thereof, and that no undertaking  
7 as required has been filed, the court or judge may order the action to be dismissed.” NRS  
8 18.130(4).

9        “It is the policy of the United States District Court for the District of Nevada to enforce  
10 the requirements of NRS 18.130 in diversity actions.” *Feagins v. Trump Organization*, 2012 WL  
11 925027 (D. Nev.) (citing *Hamar v. Hyatt Corp.*, 98 F.R.D. 305, 305-6 (D. Nev. 1983); *Arrambide*  
12 *v. St. Mary’s Hosp., Inc.*, 647 F.Supp. 1148, 1149 (D. Nev. 1986).)

13        Here, BNY Mellon, is not a citizen of Nevada, but rather a Delaware corporation with its  
14 corporate headquarters in New York. Accordingly, SFR demands that the Bank post a \$500 cost  
15 bond within 30 days and that the proceedings be stayed until such cost bond is posted. Should  
16 the Bank fail to comply with the requirements of NRS 18.130 within 30 days, SFR requests this  
17 action be dismissed.

18 || DATED June 13, 2016.

KIM GILBERT EBRON

*/s/ Diana Cline Ebron*  
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## **ORDER:**

## 24 IT IS SO ORDERED.

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27

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RICHARD F. BOULVARD  
United States District Court

28 | DATE: June 30, 2016

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 13th day of June 2016, pursuant to FRCP 5, I served via the CM-ECF electronic filing system the foregoing **SFR INVESTMENTS POOL 1, LLC'S DEMAND FOR SECURITY OF COSTS PURSUANT TO NRS 18.130(1)**, to the following parties:

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